IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.462/2006.

Date of Decision :17.5.2007.

Piar Chand. …Petitioner.

Versus:

State of H.P. and others. …Respondents

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.Ramakant Sharma, Advocate.

For Respondents. Mr.C.B.Singh, Dy.Advocate General.

Sanjay Karol, J (Oral).

A perusal of the impugned award dated 27th April, 2006 passed in Reference No.123/2003 in case titled as Piar Chand Vs. Executive Engineer shows that even though the learned Tribunal has referred to various decisions of the apex Court as also this Court on the point of delay/ laches and limitation, however, there is no reasoning given at all in rejecting the claim of the petitioner on the same ground.

Petitioner's services were terminated in the year 1988 and he raised the claim in August, 2001 itself. The date(s) referred to in the award are incorrect. According to the learned counsel for the petitioner, the matter was

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

pending before the Conciliation Officer who also took time to make the reference in accordance with the provisions of the Industrial Disputes Act,1947.

In this view of the matter, I am inclined to set aside the award dated 27.4.2006 rejecting the claim petition only on the points of delay/laches and limitation. The matter is consequently remanded back for adjudication to the Industrial Tribunal-cum-Labour Court, Dharamshala, District Kangra with the direction that after affording due opportunity of hearing to the parties, he shall decide all the issues including delay/laches and limitation within a period of six months from today. He shall decide the same un-influenced by the orders passed by this Court. It will be open for the parties to take all pleas as may be permissible in accordance with law. The parties are directed to appear before the Tribunal on 20th June, 2007. The writ petition is accordingly disposed of.

(Sanjay Karol),
Judge.

May 17, 2007(R)